

REMARKS

Claims 2-34 are pending and have been restricted under 35 U.S.C. § 121 into 50 groups as set forth in the Restriction Requirement mailed September 26, 2006.

The Examiner requests that one of the groups of claims be elected for examination. Although the Restriction Requirement is traversed for the reasons set forth below, Applicants elect the claims of Group 1, claims 2-5, SEQ ID NOS:1 and 2, for examination.

The Restriction Requirement is traversed with respect to the division of the claims of Group 1 from the claims of Group 2-8. While the claims of Groups 1 and 2-8 are patentably distinct, it is submitted that a thorough search of the claims of either group will likely reveal art relevant to the examination of the claims of the other group. In particular, the nucleic acid sequences of these groups encode human BAG proteins, human BAG-1 through human BAG-5. As shown in Figure 10 and described on page 6, lines 7-23, human BAG proteins BAG-1 through BAG-5 contain homologous regions in the BAG domain. A search of the claims of Group 1 will likely reveal information relevant to the examination of the claims of Groups 2-8 and, therefore, division of the claims into these groups would result in duplicative searches. Therefore, examination of the claims of Group 1 with the claims of Groups 2-8 together should not be an undue burden on the Examiner.


Applicants elect the claims of Group 1, claims 2-5, for examination. Applicants respectfully request that the Restriction Requirement be reconsidered and that the claims of Group 1 be examined with the claims of Groups 2-8. The Examiner is invited to call the undersigned agent if there are any questions.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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